THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.10106 of 1998

Dated 27-06-2007

Between:
S.Silas.

..... PETITIONER

AND

The District Educational Officer, Kurnool, Kurnool District & another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.10106 of 1998

O R D E R:

The action of the respondents in not extending the benefit of the 22 years scales of pay, though the petitioner had passed the Professional Advancement Test in March, 1992, is questioned, in this writ petition, as illegal and arbitrary.

Smt S.Nanda, learned counsel for the petitioner, would refer to the representation submitted by the petitioner to the second respondent, wherein the petitioner stated that the Professional Advancement Test (P.A.T) was being conducted for craft teachers from 1988 and, since the petitioner had passed the test in March, 1992 within the stipulated time of five chances, his case ought not to have been rejected. Learned counsel would draw attention of this Court to G.O.Ms.No.155 dated 12-04-1991 wherein the Government, in partial modification of G.O.Ms.No.347 dated 17-11-1989, ordered that the time for passing the Simple Orientation Test, in respect of teachers in category-II & III, be extended upto 30-06-1991 or till examination was held in 1991, whichever was earlier.

It is clear from G.O.Ms.No.155 dated 12-04-1991 that the time limit for passing the Simple Orientation Test was only upto June, 1991 or till the examination held in 1991, whichever was earlier. Admittedly the petitioner did not pass within the stipulated period and had passed only in March, 1992. Petitioner would further contend that he was required to pass in five chances and, since the test was conducted from 1988, he had passed it in March, 1992, well within the stipulated five chances. No order or rule, which provides five chances to an employee to pass the test, has been brought to the

notice of this Court. In the absence of any order, contrary to the time stipulated in G.O.Ms.No.155 dated 12-04-1991 i.e. 30-06-1991, it must be held that the time stipulated in the said G.O. is the cut off date and since the petitioner did not pass the test within the period stipulated, he is not entitled to the relief sought for.

The Writ Petition is accordingly dismissed. No order as to costs.

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27-06-2007

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